

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**UNITED STATES OF AMERICA**  
**Plaintiff,**

**v.**

**Case No. 11-CR-172**

**DANIEL DIAZ**  
**Defendant.**

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**ORDER**

Defendant Daniel Diaz files another motion pursuant to 18 U.S.C. § 3582(c)(2) seeking a sentence reduction under guideline amendment 782. On May 4, 2016, I denied defendant's previous § 3582(c)(2) motion, noting that because his guideline range was determined under the career offender provision, not the drug trafficking guideline, amendment 782 did not have the effect of lowering his applicable guideline range. See U.S.S.G. § 1B1.10(a)(2).

The present motion must be denied as successive. See United States v. Beard, 745 F.3d 288, 292 (7<sup>th</sup> Cir. 2014). In the alternative, the motion fails on the merits for the same reasons.

**THEREFORE, IT IS ORDERED** that defendant's motion (R. 40) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 6<sup>th</sup> day of February, 2017.

/s/ Lynn Adelman  
LYNN ADELMAN  
District Judge